

## Lancaster Intelligencer.

SATURDAY EVENING, JAN. 17, 1880.

## The Maine Muddle.

The Maine muddle has got beyond our comprehension and we doubt whether anyone outside the state, or perhaps in it, understands the right of the matter or the law of it, which ought to amount to the same thing. A great many people have had a great deal to say about it, and it is not for the lack of words and opinions that understanding of it is not reached; but rather because of them. We assumed in the outset that the governor and council knew what they were about and that their decisions were founded upon the laws of the state. The supreme court afterwards came along with its interpretation and it did not agree with that of the governor and council. The conclusions of the supreme court upon the submitted points of law, if they were not right, were at least authoritative and entitled to be respected accordingly in a law abiding community.

But it so happened that when the decision of the court was reached the matter had passed out of the control of the governor and council, who had already delivered their certificates of election to the requisite number of members of the Legislature; and these members assembled and organized and took upon themselves the functions of the legislature of Maine in the form prescribed by its constitution and laws. In this state of affairs in all the states of which we have knowledge, and in the Congress of the United States, the representatives are the judges of the qualifications of their own members. It is so even in the councils of cities. The court here has refused to interfere with the decision of the councils of Lancaster in seating its members, although probably made in disregard of the vote of the people of the ward. It is the very commonest occurrence to see representatives turned out of Congress and the different state legislatures, who seem to have been elected, but who belong to the minority party, their places being taken by men who will help to swell the majority vote. The advantage to the majority in allowing their partisan feeling to control their decision in these matters is so obvious that we hardly expect to see a contestant seated by the voice of his political opponents, and when it is done, his right must be very clear and their virtue exceptionally strong.

Of course it is wrong that the will of the people of a district should not be always respected by the Legislature in seating its members, but it is a wrong absolutely without remedy under the law, when it is committed. The courts are not allowed to interfere with the decision of the representative body. And so it happens that we read with surprise that the minority of the Maine Legislature, having set itself up as the state Legislature, has asked certain questions of the court concerning the election of the members, and that the answer received by it is claimed to settle the disputed issues and to bind the regularly constituted Legislature which has not asked these questions. This could not be held in the state or in the country generally. We do not understand whether or no the Maine constitution gives this unusual control over the Legislature to its courts. We believe that it does not. It is certainly proper for any Legislature to ask the legal opinion of the court if it desires it; and when it asks and receives the opinion it should obey it. But that any other body of men but those bearing the certificates of election, and therefore at least the prima facie right to be seated, should claim to be the Legislature and ask the court's opinion of their election, and expect the regularly constituted Legislature to accede to the decision, is most preposterously absurd. The Maine court in granting an opinion thus asked from it by those not authorized to seek its partisan bias as to deprive itself and its conclusion of all title to respect.

And the matter of its decision is not calculated to give it an authority which the manner of its delivery does not gain for it. The first question is answered by the declaration that the governor and council have no right to summon a person to attend and take his seat in the Senate or House of Representatives by the returns before them was not voted for, or being voted for was defeated, which is the height of silliness to say. Of course it is the governor's and council's duty to summon the duly elected members, but it is their own interpretation of the returns that must control their conclusions; and if they are wrong they must be corrected in the regular methods prescribed by the law.

The tedious Seventh ward contested election of constable draws toward a conclusion as the time approaches for another election; and since the decision has been so long delayed it must be highly gratifying to the contestant, Erisman, to find that there is no possible chance for it to be his favor. It would have been very aggravating, indeed, to have had the office awarded to him when it was too late for him to enjoy its profits or its honors. It is equally gratifying to Mr. Merringer to find that his claims to the rightful possession of the office are strengthened by a calculation that will certainly figure him out a much larger majority than was originally returned for him. We speak with this confidence because, according to the votes upon whose legality the court has already passed, his majority is increased from one to six now; and of the thirteen yet to be examined—nine of them of "colored voters"—we know that nearly all, if not all, were cast and counted for Erisman. If these are also taken from Erisman's vote Merringer's majority will be increased to nineteen; the largest possible number of tainted votes for Merringer can scarcely reduce his majority below fifteen.

In his exposition of the law Judge Patterson seems to have been guided by safe and approved precedents and by fairness and common sense.

them upon the public those who started it will get no thanks; they will be a live issue to confront Mr. Erisman if he should run for office again.

J. W. Johnson, esq., who engineered the contest, finds himself again hoist by his own petard, and realizes for the second time, under similar circumstances, that they who go out wool gathering often come home short.

**PERSONAL.**  
FRANK LESLIE'S disinherited sons will contest their father's will.  
MR. JOHN BARR, of this city, is now with Bailey, Banks and Biddle, late Bailey & Co., the jewelers of Philadelphia.

Mrs. GARFIELD is said to be devoting herself to the education of her sons, herself in a great measure carrying forward their studies and fitting them for college. The Republican committee of Bergen county, N. J., has requested the resignation of Hon. CHAR. H. VOORHIS, Republican representative in Congress from the Fifth New Jersey district.

The widow of ex-President TYLER has asked Congress for a pension, on the ground of the immense depression of her real estate, the mortgages on her Northern property having been foreclosed, and those on her Southern property constantly troubling her.

M. GAMBETTA is a connoisseur of good eggs, and has a marked preference for new-laid eggs. Not the eggs of hens, however. The president of the Chamber condescends to eat eggs of the lap-wing only, and, as these birds are rare in France, he has rented a large furze-heath near Osnabruck, in Hanover, where these creatures will be raised to supply eggs to this French Lucullus.

Queen VICTORIA is said to have a long memory for persons and faces. Her whole thoughts now seem centered in her soldiers, especially in those who have been wounded in her service, and in looking over paintings of subjects in the recent wars she knows and remembers the names of all those soldiers—even privates—on whom she has conferred the Victoria Cross or other honors, at once picking them out in the painting and asking after them by name.

MR. BORING "denies of it" that he is set up for the Republican nomination of mayor as the Bull-Ring-Mylin candidate, and the *Evening*, with suspicious zeal, backs him up. Yet the *Evening* finds "nothing whatever in his rejoinder to justify us in modifying the conclusions reached or the suggestions made in our article, in regard to the importance of the issue and the proper manner in which it should be presented to the Republicans of Lancaster city."

Mrs. VERNIE BEAM HODGE, in a big gingham apron, superintends every day at the foundry of the Washington yard the preparations that are making to cast in bronze her statue of Admiral Farragut, for which the government contracted at a cost of \$30,000. The model is ten feet high, and represents the admiral on the deck of a ship, standing with his foot upon a coil of rope, and in his hand a marine glass which he is in the act of raising to his eyes. The statue will be put up next summer in Farragut square, a plot in the aristocratic part of Washington, on which some of the finest dwellings front. Lieutenant Hodge has just built a handsome house fronting this park, and he and his wife will always have their statue visible from the windows.

JOHN WELSH, late United States minister at the court of St. James, has received a letter signed by one hundred gentlemen, mostly bankers and business men of New York city, tendering him a dinner at Delmonico's.

The Rome correspondent of the Philadelphia *Evening Bulletin* writes thus about the author of "Kismet": "Miss FLETCHER I am sorry to say, is very ill with brain fever. Three doctors were in consultation the other afternoon. To-day I have not inquired how she is, but I fear the bulletins are not more promising than they were the last time I heard from her. The poor girl, since her engagement to Lord Wentworth, has been subjected to all kinds of annoyances from envious mothers and spinsters, who were enraged at not having secured the matrimonial prize themselves. And they attacked herself and her family most unmercifully. No doubt this has been the cause of Miss Fletcher's present illness. Let us hope that Lord Wentworth will not be weak enough to be influenced by what envious tongues may utter. He is of an age when a man generally knows his own mind and is firm in purpose, notwithstanding all rebuffs; if not, I pity poor Miss Fletcher! However, let me not be premature in my fears. May she recover speedily in body and mind and give a loud denial to the mischievous rumors which 'envy, malice and all uncharitableness' are now setting afloat."

**THE CURTIN-YOCUM CONTEST.**  
The Election Committee Decide to Refer the Matter Back to the People.  
The House committee on elections have decided to report in favor of submitting the Curtin-Yocum case to a new vote of the people of the district at the election in February. In the conflict of views the committee could arrive at no other practical conclusion. There is no doubt that the report will be adopted by the House, as a number of the Republican delegation from Pennsylvania, including Judge Kelley, Harmer, Harry White, Ward, O'Neill and Fisher will vote in favor of this mode of settling the contest. It is probable that the report of the committee will be made early next week. A new election can be held in February. The old Democratic conference will meet again and likely nominate Gov. Curtin by unanimity. Whether this will be the course of the Republicans of the district is a matter of some doubt, since his record in the present Congress has been by no means satisfactory to a large portion of them.

The Stream Cannot Rise Above its Fountain, Philadelphia Chronicle-Herald.

The governor virtually asks Judge Woodward for a receipt in full when he says, "any personal motives of my own in this matter must, as you readily appreciate, terminate with this act." He wants this act to balance the open account which showed him to be Woodward's debtor. What business has the governor to be influenced by "personal motives" in the performance of so delicate a duty as the selection of a judge? It is idle to talk about preserving the sources of justice undisturbed when personal debts are paid with judgments and the whole disgraceful picture is shamelessly flaunted before the public. The equal of Gov. Hoyt's performance would be hard to find in these times.

## SOCIAL, LITERARY AND RELIGIOUS TOPICS.

For Saturday Night Festival and Sunday School Convention.  
REV. DR. BLACKWOOD, of the Ninth Presbyterian church, Philadelphia, appears in his pulpit in a handsome black gown, such as is worn by Presbyterian pastors in Great Britain.

REV. B. F. BALCOM and Rev. George Balcom, who were brothers and Baptist ministers, died on the 20th of December, the former in Corning, N. Y., and the latter in Cawker City, Kan.

At the beginning of last year the Baptist churches in the United States numbered 23,908. This year the number is 24,449, an increase of 541. The total membership last year was 2,024,234. This year it is 2,102,031; being a gain of 77,807.

The *Missionary Herald* estimates that over \$3,000,000 within the past year has been given to the missionary enterprises of the Presbyterian, Episcopal, Baptist, Wesleyan and Congregational churches only by a dozen gives.

The Fiji Islands, which are now a district of the Australasian Wesleyan Methodist church, have 841 chapels and 191 other preaching places; 10 missionaries, 48 native missionaries, and 23,274 members, exclusive of 39 European members. There are besides 5,431 probationary members.

CHARLES O'CONNOR thinks our country is going to the dogs because it is getting Anglicized, and the Duke of Somerset thinks his country is going to the dogs because it is getting Americanized. Countries are always going to the dogs, according to evildoers; but, as a matter of fact, they are generally improving.

FOUR of the higher schools of the Presbyterian church in the South have fifty-one colored students preparing for the ministry, and the colored students in Bible university pay \$5,500, and the girls in Scotia seminary over \$3,000 a year for their own education. The whole amount reported as paid last year by the churches and schools was \$18,611.

POPE LEO XIII. has approved the appointment of Right Rev. Dr. Elder, heretofore bishop of Natchez, to be coadjutor, with the right of succession to the Archbishop of Cincinnati and to be administrator of the archdiocese. Archbishop Purcell has been failing very fast of late and has returned to the convent in Brown county, and entirely given up administering the work of the church. He is reported very weak and prayers for the restoration of his health are offered in all the churches.

It is now more than 200 years that the Catholics have been in China, and although they suffered for a long period from severe persecution they have been able, since the French treaty of 1860, to regain much of what they have lost. Great properties which had been confiscated were restored to them, and now they have secured a position in nearly all the provincial capitals of the empire. In many places the missions support themselves, while other missions have very large revenues and are able to support the weaker ones.

THERE are several societies in London which furnish wedding portions to Jewish girls of the poorer classes. They are endowed by wealthy members of the faith, and poor Jews with daughters make weekly contributions, from sixpence down to a penny, in the names of the girls. Once a year, before the Passover, or before New Year's day, there is a drawing by young women engaged to be married, the prizes ranging from \$250 to \$1,000, according to the capital of the society and the number of candidates. There are no blanks; each candidate draws something. On the occasion of a wedding the Jews of the neighborhood often contribute towards the bride's dowry. Young men, on seeking wives, make a point of learning whether the girls they fancy belong to any of these societies.

**Mysterious Death.**  
A young man named Patrick Fitzgerald, who resides at Great Falls, Md., was found lying in the cabin of his canal packet boat Ella, at the foot of Congress street, Georgetown, in an unconscious, dying condition, with a pistol shot near the right temple and an injury to the back of the head, bleeding from both wounds. Rozler Webster, the engineer of the boat, who found him, had seen him, he said, on the "water front," near the foot of Congress street, in an unconscious, dying condition, with a pistol shot near the right temple and an injury to the back of the head, bleeding from both wounds. Rozler Webster, the engineer of the boat, who found him, had seen him, he said, on the "water front," near the foot of Congress street, in an unconscious, dying condition, with a pistol shot near the right temple and an injury to the back of the head, bleeding from both wounds.

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An Ex-Officer of Allegheny County a Defaulter.  
Allegheny county comes to the fore with a sensation in the shape of a defalcation of the late prothonotary, B. F. Kennedy. The late officer has gone west, as is alleged with a well known female, the objective point being either Colorado or Mexico. It is alleged that there is a deficit in the funds of the county aggregating \$25,000, but the county authorities state that the deficit, if any, exists in the funds of the registry of the county courts. The rumors on the street, so far as can be ascertained, cannot be corroborated as to public funds. Intimate friends, however, who are his bondsmen, have no hesitation in asserting that Kennedy is a defaulter. He leaves behind him a wife and family.

**Heavy Damages.**  
In New York, in 1877, William Schultz, a boy 14 years of age, jumped on the rear platform of a Third Avenue car, in intending to pay his fare, but without asking for the fare the conductor pushed him violently to the ground, and before he could get up a car coming from an opposite direction ran over him, breaking both arms, one leg and his collar bone, besides which he suffered internal injuries. His guardian brought suit against the railroad company, and a verdict for \$15,000 was rendered in the superior court of that city.

## MENACED MAINE.

Insurrection of Governor Smith—The Supreme Court Decision.  
After the election of Mr. Smith as governor, executive councillors were chosen and the Senate took a recess. On reassembling the committee appointed to wait upon Mr. Smith and inform him of his election reported Mr. Smith's acceptance of the office. At 4:30 p. m. a joint convention was held in the hall of the House for the purpose of administering the oath of office. A committee was appointed to wait upon the governor and forthwith Mr. Smith appeared accompanied by the heads of the departments, the outgoing council and the attorney general. The oath was then administered by Acting President Ellis, of the Senate, after which proclamation was made by the secretary of the Senate and Governor Smith delivered his message.

Gov. Smith referring to the present state of affairs in Maine, says: "The charges of violence and intimidation in various state elections I would refer to as a matter that causes great anxiety in every patriotic breast. Even in our own state there are like charges of fraudulent and oppressive means employed to control the action of voters, supported by evidence too strong and direct to admit of reasonable doubt that such is the case. In fact, and further, it is too notorious to deny that not content with the employment of such criminal methods as charged in elections, there was devised and actually put into operation a scheme to overawe and intimidate our late chief magistrate in the constitutional and legal discharge of the duties of his high office. The firm and dignified manner in which he and the councillors, under the abuse and indignities heaped upon them, discharged their respective duties in conformity with the laws and precedents established by his predecessors in office, is worthy of and will receive the highest encomiums of all citizens who truly have the welfare of the state at heart. The practical denial of the free right of suffrage or of undue influence over the exercise of that right, whether effected by bribes, by actual or threatened personal violence, or by threats of withdrawal of employment or patronage, is equally reprehensible. I would recommend that we first see that our laws are so framed as to protect the purity of the ballot box in our own state."

"Second, that you express by a declaration resolve the convictions of the Legislature in that behalf."

The balance of the message is mainly devoted to the exposition of the Greenback movement. A large number of spectators were in attendance, and frequent applause given. The galleries were filled with special policemen, and extra precautions were taken by Mayor Nash to preserve order, but there was trouble of one sort or another, everything passed along quietly and smoothly. The other state officers were also elected. The new state officers have all had experience in the duties to which they have been elected. The excitement last night was intense. At the close of the session the judges forwarded their answers to the questions propounded by the Republican Legislature and they sustain the position of the Republicans in every point. It is probable the Republican Legislature will now go ahead and elect a new set of state officers. The Fusionists claim that they expected nothing more than a Republican stump speech similar to their last opinion of the court and assert with spirit that they will appeal from the court of Maine to the Congress of the United States. The Fusionists are strongly of opinion that they expected nothing more than a Republican stump speech similar to their last opinion of the court and assert with spirit that they will appeal from the court of Maine to the Congress of the United States.

**Swedish Railways.**  
It is said of Swedish railways that some are managed by the state, while others, like our own, are private undertakings for the benefit of shareholders. In either case, the motto, "Slow and sure," seems to be adopted by the management. The trains are slow, and the shareholders are behind at the terminus. In either case, moreover, the arrangement of the trains seems specially adapted to the public inconvenience. The time-tables appear to be constructed on the plan of disconcerting the traveler as much as it is possible, and giving him the fullest chance to exercise his patience. As a rule, he has the option of a couple of trains a day, and may be thankful for the privilege. He may take, say, an express, which starts at 3 a. m., to carry him half way to his destination, and then a slow train that may convey him the remainder of his journey; or he may elect to wait till somewhat later in the day, when a through train is provided, which will go at a snail's pace, and land him at his destination at midnight.

If he wants to catch a steamboat, which nominally plies in conjunction with this railroad, his fate may be far worse, and a day or two may pass ere the transit be completed. Seen simply on the face of it, the Swedish railways, as they are called, seem to be constructed on the plan of disconcerting the traveler as much as it is possible, and giving him the fullest chance to exercise his patience. As a rule, he has the option of a couple of trains a day, and may be thankful for the privilege. He may take, say, an express, which starts at 3 a. m., to carry him half way to his destination, and then a slow train that may convey him the remainder of his journey; or he may elect to wait till somewhat later in the day, when a through train is provided, which will go at a snail's pace, and land him at his destination at midnight.

**STATE ITEMS.**  
John McGowan, who had his feet cut off by a street car in the Chestnut and Walnut streets, Philadelphia, has obtained a verdict against the company for \$1,000. James Cain, millwright at the Vesuvius iron works, Allegheny, while adjusting a belt on a pulley, fell sixteen feet alighting on his head on a pile of metal, breaking his neck. He was 45 years of age and 1 1/2 a family.

Yesterday there was a destructive fire at New Brighton, Beaver county. It started in the dry goods store of J. A. Whitla, destroying it also the millinery establishment of D. Hanauer. The building was a large one and the stock was extensive. The loss will be \$18,000.

The body of a middle-aged woman was found floating in the river at Freedom, Beaver county, on Wednesday. Two men were out in a boat after drift wood and found the body. It was poorly dressed and had been in the water some time.

John Naylor, aged about 70 years, residing at 2415 Second street, Philadelphia, was walking on the New York branch of the Reading railroad, near Tenth and Diamond streets, about six o'clock last evening, when he was struck by the engine of a New York train and received injuries from which he died.

Efforts are being made to secure the holding of the Democratic national convention in Philadelphia this year, and the officers of the permanent exhibition have made a tender of the free use of the building, and a number of well-known gentlemen, headed by Jere McKibben, of the Reading house, have organized a Democratic national executive committee the use of the Academy of Music for whatever time the convention may need, and free entertainment for all the delegates.

Gustave Kuppel, a lad aged eleven years,

was instantly killed by a passing train near Twelfth street, South Side Pittsburgh. The little fellow came out of the house and did not hear the train. He was running at the time, and in crossing the track he tripped and fell, his head falling directly across one of the rails and the engine and three passengers came upon it, over him, entirely severing his head from the body. His remains were gathered up by persons who had witnessed the sickening accident, and carried into the house.

The *Times* continues its publication of the presidential preferences of the state press. Thirteen Democratic newspapers are recapitulated as follows: For Tilden, 2; for Hendricks, 1; for Hancock, 2; for Bayard, 1; for anybody, 2; no choice, 3; for Western man, 1; for Seymour, 1. Ten independent papers are quoted with the following result: For Blaine, 3; for Sherman, 1; for Hendricks, 1; for Washburne, 1; for a Greenbacker, 1; no choice, 3. The Lancaster county papers included in this list are *Elizabethtown Chronicle*, for Blaine; *Strasburg Free Press*, for Blaine; *Die Latere* for Hendricks and Seymour.

## LATEST NEWS BY MAIL.

The Mississippi Legislature is still trying to elect a successor to Senator Brown with no signs of a break in the dead lock. Patrick McNamara, a farm laborer, of Nelson county, Va., was crushed and instantly killed under a tree which he was felling.

O'Leary writes from Chicago that he won't go to London to walk with Weston, but will walk 143 hours for \$5,000, or \$100,000, anywhere in America east of the Rocky mountains.

In an altercation between a colored cart driver and Thomas Smith, employed on the Midland railroad extension, Virginia, Smith was struck behind the right ear with a rock thrown by the driver, sustaining serious, perhaps fatal injuries.

The Montenegro's attacked a village near Plava and took 200 head of cattle. The next day they advanced towards Gujinnie and Plava, when the Albanians attacked them and drove them across the frontier. The Albanians lost forty killed and sixty wounded.

The Stevedores' association at Pensacola, Fla., resolved yesterday not to furnish labor for vessels which are being loaded by "Quebeckers." This will delay many vessels for a few days. 176 vessels, two-thirds of them square rigged, are now in Pensacola Bay.

The directors of the Lockwood company of Waterville, Me., at a meeting yesterday unanimously resolved, in the present condition of affairs in that state, not to ask capitalists to join them in the erection of a new mill, and indefinitely postponed the question of its erection.

Mr. MacFarr, the chemist, who has been experimenting to produce artificial diamonds, now admits that he was mistaken in supposing that the crystalline substance he produced was carbon in that condition, and thinks it is improbable that diamonds of any size can be produced artificially.

The ship *Formosa*, of Salem, Captain Reynolds, from the Philippines, arrived in Boston, has been lost to the Java Sea. All hands were saved. The vessel and cargo, which are a total loss, were valued at \$240,000, fully insured in Boston and Philadelphia offices. She had 8,566 bales of hemp on board.

James Miller, proprietor of a saloon at 343 Arch street, Glasgow, got up about 5 o'clock and was sweeping the saloon. When he opened the front door two men stood there and tried to force their way in but being prevented one fired a pistol at Miller, the ball entering his right temple. He fell without uttering a word and expired in two hours.

The eleventh annual report of the railroad service in Massachusetts shows that during the year ending September 30, last, only 11 miles of additional railroads were completed in the state. The gross income for the year was \$1,000,000, and the expenditures amounted to thirty millions of dollars. The whole number of persons injured during the year, including the accident at Wollaston, was 405; fatal injuries, 45.

Yesterday in Baltimore was a profitable day for the first time since the 18th of July. The first occurred on the 18th of July, when a fire broke out in the Johns Hopkins building, which was on Howard street and resulted in the destruction of many valuable scientific works; the second was in the sub-cell of the old Masonic temple building, now occupied by the city and circuit courts; and the third was a fire in the Victoria band of Apache Indians. Thirty-five more citizens of Carleton went out to search for their fellow-citizens and were also caught in ambush, and 11 of them were killed, making 20 in all.

## AGREED TO FIGHT.

Joe Goss and Paddy Ryan to Cross Dukes in Canada.  
Joe Goss, of England, and Paddy Ryan, of New York, signed an agreement, and put up forfeits in the *Clipper* office, Thursday, to fight for \$1000 a side in Canada on the 18th of May next. James Elliott was there to get Ryan to accept his challenge, but the latter said he would fight Goss first. Elliott said he would deposit money to fight the winner of the Goss-Ryan fight. Mike Donohue then covered George Cooke's deposit, and agreed to meet him to-day to arrange for a fight; and a letter from Jim Mace was shown, in which he offers to match his pupil, Lawrence Foley, of Australia, against Billy Edwards.

## LOCAL INTELLIGENCE.

**Neighborhood News.**  
William Duttars, near Littlestown, has a Poland China hog, which weighed 820 pounds a week ago. He intends to make it weigh 1,000 pounds in a month's time.

On Thursday evening in the First M. E. church, York, Rev. J. Ellis Bell, of Elliptical, was married to Miss Junia Waters, of York, step-daughter of Rev. James McGarrath, the officiating clergyman.

Some unprincipled scoundrel has been poisoning the dogs belonging to citizens of Dauphin. Valuable dogs belonging to Messrs. Jacob Gayman, Mr. Reed, and other citizens, have been poisoned—two of the dogs died and their owners thereof have taken steps to hunt up the brute who killed them, in order to make an example of him.

In Harrisburg yesterday, Master Harry Kaufman had four fingers of the right hand so badly lacerated as to require amputation. Harry was employed at the planing mill of the Harrisburg car company, removing sawed lumber from the end of one of the circular saws, and allowing a strip or board to drop from his hands, on reaching forward the right hand came in contact with the saw.

**Telephone Being Erected.**  
A telephone is now being erected between the Penn iron works and the Western Union telegraph office, Steinman's hardware store, the Pennsylvania railroad freight depot, King street depot of the Reading railroad, and the INTELLIGENCER building.

## COURT.

**Opinions Delivered and Current Business.**  
Court met this morning after the holiday vacation and opinions were delivered as follows:  
By Livingston, P. J.  
Exception to taxation of costs in *Harmon & Co. vs. Malone, Painter & Co.*; sustained.

*Berner vs. Dunlap.* Rule to strike off non suit; discharged.  
*Bair vs. Rohrer.* Rule upon plaintiff to pay costs, because of tender of full amount recovered; defendant ordered to pay all costs previous to trial when the first legal tender was made; plaintiff to pay costs after Dec. 1, 1879.

*Jno. J. Miller and wife's assigned estate;* auditor's report referred back to auditor to take into consideration the bond of indemnity given to Jacob Griel.

*Fred. Hines's estate.* Rule upon local guardian to pay over distributee's share to guardian appointed in Ohio; made absolute and guardian directed to pay over by third Monday in April.

*John L. Polk, dec'd's estate.* Rule to set aside sale; discharged.  
*Anderson vs. Philadelphia and Reading railroad company.* Rule for new trial; discharged.

*James Leese and wife, assigned estate;* Exceptions to fee of assignee and counsel; fees fixed at \$400 for counsel and \$385 for assignee and increasing fund for distribution by \$300 to be awarded to lien creditors; report otherwise corrected and affirmed.

*C. F. Binkley and wife's assigned estate.* Exceptions to auditor's report; overruled.  
*Jacob Meisly's trust estate, lunatic;* petition to have report of auditor recommitted to hear trustee's testimony; granted.

*James Armstrong, dec'd.* Supplemental report of auditor confirmed; exceptions dismissed.  
*Michael Stoll's estate.* Exceptions to auditor's report sustained so far as shares of distributees were awarded to administrator in trust; otherwise confirmed.

*Michael McGinn, dec'd.* Exceptions to auditor's report; overruled and report confirmed.

*Columbia boro. vs. Columbia water company.* Bill in equity and demurrer; demurrer sustained.

*Elizabeth Royer, dec'd.* Exceptions to auditor's report; overruled and report confirmed.

*Harris's use vs. Johns.* Rule to open judgment; discharged.  
*Shreiner's estate.* Exceptions to auditor's report; overruled and report confirmed.

*Ada Brown vs. Levi K. Brown.* Appeal from taxation of costs refused to witnesses after notice not to attend. Appeal sustained and witness fees allowed and mileage ordered to be set out in detail.

*Samuel Seif, dec'd.* Rule upon executor to set aside widow's \$300; made absolute.

*Road in Pequeta township.* Report of viewers adopted.

*Jacob Hollinger, dec'd.* Two differing auditors' reports presented as to the question to whom the fourth of widow's dower it to be paid; report confirmed which awards said amount to Jacob Hollinger.

*Daniel W. Groff, vs. C. S. Musseman and John Roland.* Rule for a new trial; discharged.

*Mrs. Mary T. Heister vs. Kirk Brown.* Certiorari sustained and proceedings set aside for informality of record.  
*Hogentobler vs. Edgerly.* Case stated, to determine whether the register of Lancaster county can exact a fee of \$1 for copy of executor's account certified to orphans court. Judgment for plaintiff, court deciding that register is not entitled to \$1 fee.

*Christian Shenk vs. C. P. Williams.* Rule for new trial. Discharged.

*Mary Ann Eckman, lunatic.* Rule for attachment on trustee, Hiram Horting. Made absolute and attachment ordered to issue.

*George W. Rinehart vs. Chester county Mutual fire insurance company.* Rule to set aside writ of service. Made absolute and service set aside as "not good."

*Henry Zimmerman's estate.* Rule to recommit auditor's report, made absolute.

## AT LAST.

Seventh ward election case. After briefly reciting the facts as our readers are familiar with them and the pleadings in the case, the court decided first that rejected votes could not be counted even if their validity were established; then, in reviewing the testimony the court said that as to the opening of the ballot box it was of the opinion that the statutory provisions must be strictly followed, and they gave the court, by plain power to open the ballot box, *that alone*, the merits of the case could be determined; but lower courts held that such an order should not issue until it was shown by the evidence that the result would thereby be changed. As to the charge of an incorrect count it could hardly be sustained without a recount. The point raised by Mr. Steinmetz, that persons whose names are not on the registry must make and furnish to the election officers full legal and formal proof, by certificate, of their residence is fully sustained. As to the validity of taxes paid in due time in the name of the voter by committees or other persons than the voters, the court holds that the payment of a tax for a voter by another and a receipt taken in his name are certainly lawful, and can be ratified at any time afterwards; (Judge Livingston non concurs) "a stranger cannot object that an agent exceeds his power." Philip Gerz's vote, attacked for non-naturalization, was admitted by respondents to be illegal. The conclusion of the court in accordance with its exposition of the law and on the evidence as presented, was that six illegal votes were shown to have been cast for Merringer, and that eleven illegal votes were cast for Erisman, and that thirteen other illegal votes were cast, for which candidate it is not shown.

As these thirteen votes and no others must be examined, without them Merringer has 274 legal votes, Erisman has 268. The ballot box must now be opened to ascertain for whom the other 13 were cast for constable, and all the ballots must be counted, but not examined.

The six votes cast for Merringer, declared by the court to have been illegal, were those of John McGinn, Aug. Waitz, Philip Gerz, John McGinn, Joseph Bryor and John F. Myerle, jr.

The eleven votes cast for H. M. Erisman declared to be illegal are those of Allen Wilson (col'd), David Wilson (col'd), M. Resh, Adam Ripple, Wm. Thomas, Rob't. Orr, Samuel Gray (col'd), James Waters

## (col'd), Peter Hillard (col'd), C. W. Swobell and E. Finerock.

The thirteen votes declared to be illegal, not ascertained for whom cast, are those of Edward Sanders, Edward Clark (colored), Spencer Wood (colored), Lemuel Peters, G. L. Parks (colored), Franklin Archey (colored), Frank Hart (colored),